



Billing Code 9110-12-P

## **DEPARTMENT OF HOMELAND SECURITY**

### **Federal Emergency Management Agency**

#### **44 CFR Part 64**

#### **Docket ID FEMA-2012-0003**

#### **[Internal Agency Docket No. FEMA-8249]**

#### **Suspension of Community Eligibility**

**AGENCY:** Federal Emergency Management Agency, DHS.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the Federal Register on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at <http://www.fema.gov/fema/csb.shtm>.

**EFFECTIVE DATES:** The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

**FOR FURTHER INFORMATION CONTACT:** If you want to determine whether a particular community was suspended on the suspension date or for further information,



contact David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646-2953.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR Part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the Federal Register.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief



and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply



with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

#### **List of Subjects in 44 CFR Part 64**

Flood insurance, Floodplains.

Accordingly, 44 CFR Part 64 is amended as follows:

#### **PART 64--[AMENDED]**

1. The authority citation for Part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

#### **§ 64.6 [Amended]**

2. The tables published under the authority of § 64.6 are amended as follows:



State and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current Effective Map Date	Date Certain Federal assistance no longer available in SFHAs
<b>Region III</b>				
Pennsylvania: Beale, Township of, Juniata County.	421738	August 18, 1978, Emerg; September 10, 1984, Reg; October 2, 2012, Susp.	October 2, 2012	October 2, 2012
Fermanagh, Township of, Juniata County.	420517	June 1, 1973, Emerg; February 1, 1978, Reg; October 2, 2012, Susp.	-do-*	-do-
Greenwood, Township of, Juniata County.	421741	July 7, 1975, Emerg; December 3, 1987, Reg; October 2, 2012, Susp.	-do-	-do-
Lack, Township of, Juniata County.	421742	July 28, 1975, Emerg; December 3, 1987, Reg; October 2, 2012, Susp.	-do-	-do-
Mifflin, Borough of, Juniata County.	420518	October 4, 1973, Emerg; February 1, 1978, Reg; October 2, 2012, Susp.	-do-	-do-
Mifflintown, Borough of, Juniata County.	420519	June 24, 1975, Emerg; November 15, 1979, Reg; October 2, 2012, Susp.	-do-	-do-
Milford, Township of, Juniata County.	421743	July 7, 1975, Emerg; September 2, 1981, Reg; October 2, 2012, Susp.	-do-	-do-
Monroe, Township of, Juniata County.	421744	April 22, 1980, Emerg; November 4, 1987, Reg; October 2, 2012, Susp.	-do-	-do-
Port Royal, Borough of, Juniata County.	420520	March 30, 1973, Emerg; January 5, 1978, Reg; October 2, 2012, Susp.	-do-	-do-
Spruce Hill, Township of, Juniata County.	421745	July 2, 1979, Emerg; October 15, 1985, Reg; October 2, 2012, Susp.	-do-	-do-
Susquehanna, Township of, Juniata County.	421746	June 27, 1975, Emerg; June 1, 1982, Reg; October 2, 2012, Susp.	-do-	-do-
Thompsontown, Borough of, Juniata County.	420521	July 7, 1975, Emerg; May 19, 1981, Reg; October 2, 2012, Susp.	-do-	-do-
Turbett, Township of, Juniata County.	420522	May 10, 1973, Emerg; March 1, 1978, Reg; October 2, 2012, Susp.	-do-	-do-
Tuscarora, Township of, Juniata County.	422452	July 30, 1975, Emerg; January 15, 1988, Reg; October 2, 2012, Susp.	-do-	-do-
Walker, Township of, Juniata County.	420523	August 30, 1973, Emerg; August 1, 1978, Reg; October 2, 2012, Susp.	-do-	-do-
West Virginia: Anmoore, Town of, Harrison County.	540054	April 7, 1975, Emerg; September 3, 1980, Reg; October 2, 2012, Susp.	-do-	-do-
Clarksburg, City of, Harrison County.	540056	September 18, 1973, Emerg; February 15, 1978, Reg; October 2, 2012, Susp.	-do-	-do-
Delbarton, Town of, Mingo County.	540134	October 13, 1972, Emerg; March 15, 1977, Reg; October 2, 2012, Susp.	-do-	-do-



<b>State and Location</b>	<b>Community No.</b>	<b>Effective date authorization/cancellation of sale of flood insurance in community</b>	<b>Current Effective Map Date</b>	<b>Date Certain Federal assistance no longer available in SFHAs</b>
Gilbert, Town of, Mingo County.	540135	July 7, 1972, Emerg; May 2, 1977, Reg; October 2, 2012, Susp.	-do-	-do-
Harrison County, Unincorporated Areas.	540053	August 17, 1976, Emerg; July 4, 1988, Reg; October 2, 2012, Susp.	-do-	-do-
Kermit, Town of, Mingo County.	540136	December 1, 1972, Emerg; March 1, 1978, Reg; October 2, 2012, Susp.	-do-	-do-
Lumberport, Town of, Harrison County.	540058	April 1, 1975, Emerg; March 4, 1988, Reg; October 2, 2012, Susp.	-do-	-do-
Matewan, Town of, Mingo County.	545538	February 3, 1970, Emerg; February 3, 1970, Reg; October 2, 2012, Susp.	-do-	-do-
Mingo County, Unincorporated Areas.	540133	June 9, 1975, Emerg; December 2, 1980, Reg; October 2, 2012, Susp.	-do-	-do-
Nutter Fort, Town of, Harrison County.	540059	March 10, 1975, Emerg; September 17, 1980, Reg; October 2, 2012, Susp.	-do-	-do-
Salem, City of, Harrison County.	540242	February 18, 1975, Emerg; December 4, 1985, Reg; October 2, 2012, Susp.	-do-	-do-
West Milford, Town of, Harrison County.	540062	September 25, 1975, Emerg; April 1, 1988, Reg; October 2, 2012, Susp.	-do-	-do-
<b>Region IV</b>				
Kentucky: Adairville, City of, Logan County.	210353	March 27, 2006, Emerg; N/A, Reg; October 2, 2012, Susp.	-do-	-do-
Berea, City of, Madison County.	210156	April 22, 1975, Emerg; September 30, 1988, Reg; October 2, 2012, Susp.	-do-	-do-
Lewisburg, City of, Logan County.	210149	March 27, 1975, Emerg; June 17, 1977, Reg; October 2, 2012, Susp.	-do-	-do-
Madison County, Unincorporated Areas.	210342	September 19, 1989, Emerg; September 28, 1990, Reg; October 2, 2012, Susp.	-do-	-do-
Richmond, City of, Madison County.	210157	June 20, 1975, Emerg; September 18, 1985, Reg; October 2, 2012, Susp.	-do-	-do-
Russellville, City of, Logan County.	210150	July 24, 1974, Emerg; June 1, 1984, Reg; October 2, 2012, Susp.	-do-	-do-
<b>Region V</b>				
Wisconsin: Birchwood, Village of, Washburn County.	550574	February 26, 1975, Emerg; September 30, 1988, Reg; October 2, 2012, Susp.	-do-	-do-
Minong, Village of, Washburn County.	550468	November 24, 1975, Emerg; September 1, 1986, Reg; October 2, 2012, Susp.	-do-	-do-



State and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current Effective Map Date	Date Certain Federal assistance no longer available in SFHAs
Shell Lake, City of, Washburn County.	550469	November 8, 1974, Emerg; September 16, 1988, Reg; October 2, 2012, Susp.	-do-	-do-
Spooner, City of, Washburn County.	550470	November 21, 1973, Emerg; April 2, 1979, Reg; October 2, 2012, Susp.	-do-	-do-
Washburn County, Unincorporated Areas.	550606	N/A, Emerg; June 30, 1999, Reg; October 2, 2012, Susp.	-do-	-do-
<b>Region VI</b>				
Arkansas: Chicot County, Unincorporated Areas.	050025	July 24, 1974, Emerg; September 28, 1979, Reg; October 2, 2012, Susp.	-do-	-do-
Dermott, City of, Chicot County.	050026	December 31, 1974, Emerg; September 28, 1979, Reg; October 2, 2012, Susp.	-do-	-do-
Eudora, City of, Chicot County.	050027	July 2, 1974, Emerg; March 4, 1980, Reg; October 2, 2012, Susp.	-do-	-do-
Lake Village, City of, Chicot County.	050028	March 27, 1974, Emerg; August 8, 1978, Reg; October 2, 2012, Susp.	-do-	-do-
<b>Region VII</b>				
Missouri: Carroll County, Unincorporated Areas.	290057	June 15, 1983, Emerg; October 17, 1986, Reg; October 2, 2012, Susp.	-do-	-do-

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Code for reading third column: Emerg. —Emergency; Reg. —Regular; Susp. —Suspension.

Dated: September 17, 2012

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**David L. Miller**

Associate Administrator

Federal Insurance and Mitigation Administration

Department of Homeland Security

Federal Emergency Management Agency



[FR Doc. 2012-23990 Filed 09/28/2012 at 8:45 am; Publication Date: 10/01/2012]